



Making the RMA fit for purpose

The Resource Management Act has been changed a lot over the years but is still not fit for purpose.

The RMA should be a short, understandable Act that enables responsible development.

After more than 25 years of reforms the RMA remains long, complicated and anti-development.

The latest attempt at reform, the Resource Law Amendment Bill currently before Parliament doesn't change this enough.

It does contain some positive changes but some that are worse.

This seems to be the pattern with the Act since passed in 1991 – one step forward, two steps back.

The positive provisions in this Bill include more allowance for subdivision, fewer consent requirements in some circumstances, more ability to offset the terms of resource consents, and some compensation for removal of property rights.

These proposed changes would be welcome, although the fact that it has taken 25 years to get to these just shows how deficient the RMA has been.

These are one-off, ad hoc changes, not a systematic improvement based on the principles underlying the Act; as a result they add to the complexity and length of the RMA.

The Bill was consulted on last year, and many business and other organisations made submissions on it.

As usual, business called for an enabling approach to development, rational planning rules, and more freedom for individuals to do as they wished with their own properties.

In the light of Auckland's housing crisis, business submissions called for central government to provide more direction to local government to reduce regulations and urban boundaries.

The Bill as reported back does indeed provide for more central government direction - but unfortunately not to reduce regulation or urban boundaries. The Bill addresses the overregulated housing market by adding more regulation, rather than reducing it.

The Bill is also now unlikely to provide for more central government direction over the use of genetically modified organisms. Getting more rational policies on GMO was a key reason for business calls for more central direction, in the light of wildly varying local government GMO policies in different regions.

In essence, the Bill has introduced overriding powers for central government without delivering the changes that those powers were sought for.

The result is a Bill that may promise too much power to central government, power that may not be used for the purposes intended.

The Resource Law Amendment Bill will soon be in committee stage in Parliament, facing the prospect of conflicting amendments by different parties, so right now it's unclear what its final shape will be.

For better or worse we may soon have a 'new' Resource Management Act - one that has been amended almost as often as the number of years that it has been in existence.

The Act's past history and current tensions suggest this new version will last no longer than its predecessors.

Rather than continuing this patchwork approach, we could do better by drafting a completely new resource management framework that is fit for purpose.

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